

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

MICHAEL KEVIN DuPONT,
Petitioner

v.

DAVID NOLAN,
Respondent

No.04-11431-GAO

PETITIONER' VERIFICATION OF RESPONDENT'S CONCESSION
TO APPRENDI LEGAL ERROR SUPPORTING HIS IMMEDIATE RELEASE

Now comes the Petitioner and files a copy of 01-P-1792 state Appellee's brief pages 11-14 verifying and also conceding Respondent argued the erroneous Apprendi position that statutory life maximum controlled, id, when in truth of fact the 17½ days per month normal range maximum of indictment, or jury trial proof, or guilty plea waiver, elements was the BLAKELY V. WASHINGTON, 124 S.Ct ____ (6/24/04) maximum, and respondents are holding Petitioner on c. 127, § 129 aggravated punishment 12½ days per month crime in prison element, for which he was not indicted, for which no jury trial proof was presented, and for which no guilty plea waiver of such disputed element took place in the 12/13/99 transcript already filed with this Court.


This entitles Petitioner to immediate release on Petition Grounds Three, Six, Seven, Eight & Fifteen (while Grounds Four, Five and Ten support immediate release also).

A July-August immediate release (or bail) order within 30 days of this filing would be appropriate where 19½ of 20 years without 3,000 days good time have been served

and this sentence actually expired eight years ago in 1996 !
July 13, 2004

copy served on Assistant
Attorney General's Office
cc.DOC Atty David Slade
cc.Petitioner's civil Attorney
Aviva Jeruchim Re:Settlement

MOST RESPECTFULLY SUBMITTED,


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